

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

SCOTT BLAIR,

Plaintiff,

v.

ALSTOM TRANSPORTATION, INC.
AND KAWASAKI RAIL CAR, INC.,

Defendants.

Case No. 1:16-cv-03391-PAE

JOINT DISPUTED CLAIM TERM CHARTS

In accordance with the Court’s Civil Case Management Plan and Scheduling Order (Dkt. #23) entered in this action, Plaintiff Scott Blair (“Plaintiff”) and Defendants Alstom Transportation, Inc. (“Alstom”) and Kawasaki Rail Car, Inc. (“Kawasaki”) (collectively “Defendants”) hereby submit these Joint Disputed Claim Term Charts.

I. PLAINTIFF’S PROPOSED CONSTRUCTIONS

Claim Term/Phrase	Plaintiff’s Proposed Construction	Intrinsic Evidence
“substantially flush” (Claim 8)	Ordinary and customary meaning	
“substantially flushed” (Claim 1)	Ordinary and customary meaning	
“flushed” (Claims 20, 22)	Ordinary and customary meaning	
All other terms/phrases proposed by Defendants and/or where Defendants’ claim terms/phrases are indefinite	Ordinary and customary meaning	‘602 patent (including the specification, figures, and claims), prosecution history, and reexamination and appeal record

(Claims 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, and 29)		
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II. DEFENDANT ALSTOM'S PROPOSED CONSTRUCTION

Claim Term/Phrase	Defendant's Proposed Construction	Intrinsic Evidence
"substantially flushed" (Claim 1)	Indefinite	
"adjacent wall surface" (Claim 1)	Indefinite	
"transitional wall portion" (Claim 8)	Indefinite	
[mounted at the] "junction of the side wall and the ceiling" (Claim 1; 8; 15; 20)	Indefinite	
"a video signal source unit"	player units for playing pre-recorded video material, such as computer-based digital video recorders (including CD-ROM players), video tape players and video disk players, and television receivers for receiving live or pre-recorded broadcast television signals from a remote transmitter and supplying these to the video display monitors mounted in the subway cars.	Col. 2, ln. 15-58 ("...player units for playing pre-recorded video material..."); claims 1, 5, 7, 8, 15, 17, 20, 28.
"video signal source system"	Indefinite	
"video system subway car"	Indefinite	

“any of claim 1”	Indefinite	
“self-contained wiring cabling system”	A standalone wiring cabling system	Col. 2, ln.30-42; Col. 2, ln. 59-Col. 3, ln. 4; claim 7.
“a ceiling adjoining the sidewalls” (Claim 1; 8; 15; 20)	Indefinite	
“substantially flush” (Claim 8)	[Same as for Claim 1]	
“adjacent surface structure of the transitional wall portion” (Claim 8)	Indefinite	
“transitional segment” (Claim 15)	Indefinite	
“disposed at the juncture of the sidewall and the ceiling” (Claim 15)	[see above]	
“substantially contiguous” (Claim 15)	[see below, next element]	
“substantially contiguous with an exterior surface of said transitional segment” (Claim 15)	Indefinite	
[A backlit panel disposed on the] “transitional segment disposed adjacent the ceiling and a respective sidewall” (Claim 15)	Indefinite	
[wherein an external surface of the longitudinal opposed sidewall, the exterior surface of said transitional segment	The sidewall, transitional segment, and ceiling surfaces flow one into the other smoothly as a continuum and	Col. 4, ln. 1-13 (“...where there is commonly provided a concavely curved segment of internal wall, the transparent

and an external surface of the ceiling comprise a] “blended contour” (Claim 16)	without any perceptible interruption or separation.	cover unit is suitably similarly concavely curved, so that it can be mounted as a continuum with the internal walls and blended to contours thereof...” and “...designed to appear integral...”); Col. 5, ln. 57-62 (“The shield 44 now blends with forward facing part 48 the exterior skin and body structure to provide a perhaps more aesthetically appealing arrangement.”); Fig 6; www.dictionary.com (“Blended = “to mix or intermingle smoothly and inseparably” or “to have no perceptible separation”)
“ceiling adjoining the sidewalls”	[see above]	
“mounted at the junction of the sidewalls and the ceiling”	[see above]	
“transparent cover unit flushed with the adjacent wall surface structure of the car” (Claim 20)	Transparent cover unit exactly even appearing integral with the subway internal wall surface on all sides	Col. 3, ln. 62-Col. 4, ln. 14; Col. 4, ln. 41-56; Col. 5, ln. 21-Col. 6, ln. 7; Figs. 2-4, 4a, 5-7; claims 1, 8, 10, 15, 16, 20, 22; Reexam (<i>see, e.g.</i> , Office Action of 1/11/12 at 5, 6; Response of 3/9/12 at 7-8; Office Action of 4/25/12 at 5, 7, 25-32; Response of 6/25/12 at 10-12; Advisory Action of 1/16/13 at 4-7; Appeal Brief of 3/18/13 at 4-6; Examiner’s Answer of 7/10/13 at 4-6; Decision on Appeal of 6/30/14 at 5, 6; Notice of Intent to Issue Ex Parte Reexam. Cert. of 1/5/15 at 4, 5).
[the transparent cover unit is] “flushed with the adjacent wall structure such that it	Indefinite	

contains no protuberances” (Claim 22)		
“blended contour”	[See above, claim 16]	

III. DEFENDANT KAWASAKI’S PROPOSED CONSTRUCTIONS

Claim Term/Phrase	Defendant’s Proposed Construction	Intrinsic Evidence
“a ceiling adjoining the sidewalls” (Claims 1, 8, 15, 20)	Indefinite	
“at the junction of the sidewall and ceiling”, “at the junction of the sidewall and the ceiling” (Claims 1, 8, 15, 20)	Indefinite	
“a video signal source unit” (Claims 1, 5, 7, 8, 15, 17, 20, 28)	player units for playing pre-recorded video material, such as computer-based digital video recorders (including CD-ROM players), video tape players and video disk players, and television receivers for receiving live or pre-recorded broadcast television signals from a remote transmitter and supplying these to the video display monitors mounted in the subway cars	2:15-58; claims 1, 5, 7, 8, 15, 17, 20, 28.
“substantially flushed with the adjacent wall surface structure of the car”, “substantially flush with the adjacent surface structure of the transitional wall portion”	Indefinite	

(Claims 1, 8)		
“video signal source system” (Claim 2)	Indefinite	
“the program” (Claim 3)	Indefinite	
“video system subway car” (Claim 4)	Indefinite	
“any of claim 1” (Claim 7)	Indefinite	
“self-contained wiring cabling system” (Claim 7)	a standalone wiring cabling system	2:30-42; 2:59-3:4; claim 7.
“a plurality of transparent cover units that cover respective ones of the video display monitors” (Claim 8)	a plurality of transparent cover units, each covering only one video display monitor	3:62-4:14; 4:46-56; 5:21-6:7; Figs. 4, 4a, 5-7; claims 8, 9, 20-22. Reexam. File History (<i>see, e.g.,</i> Notice of Intent to Issue Ex Parte Reexam. Cert. of 1/5/15 at 4, 5).
“a transitional wall portion” (Claims 8, 10, 11)	Indefinite	
“back lit panel”	a non-electronic display panel	4:43-56; 5:8-34; 5:50-6:7;

(Claims 11, 15, 19, 23)	illuminated by a light source behind it	Figs. 3, 4, 4a, 5-7; claim 11, 15, 19, 23. Reexam. File History (<i>see, e.g.,</i> Notice of Intent to Issue Ex Parte Reexam. Cert. of 1/5/15 at 4, 5).
“disposed on the transitional wall portion”, “disposed adjacent the video screen of the video display monitor”, “disposed on the transitional segment disposed adjacent the ceiling and a respective sidewall”, “disposed on the adjacent wall surface structure of the car” (Claims 11, 15, 19, 23)	Indefinite	
“a transitional segment” (Claims 15, 16)	Indefinite	
“substantially contiguous with an exterior surface of said transitional segment” (Claim 15)	Indefinite	
“flushed with the adjacent wall surface structure of the car”, “flushed within the adjacent wall structure such that it contains no protuberances” (Claims 20, 22)	exactly even with the subway car wall surface on all sides; otherwise, indefinite.	3:62-4:14; 4:41-56; 5:21-6:7; Figs. 2-4, 4a, 5-7; claims 1, 8, 10, 15, 16, 20, 22. Reexam. File History (<i>see, e.g.,</i> Office Action of 1/11/12 at 5, 6; Response of 3/9/12 at 7-8; Office Action of 4/25/12 at 5, 7, 25-32; Response of 6/25/12 at 10-12; Advisory

		Action of 1/16/13 at 4-7; Appeal Brief of 3/18/13 at 4-6; Examiner's Answer of 7/10/13 at 4-6; Decision on Appeal of 6/30/14 at 5, 6; Notice of Intent to Issue Ex Parte Reexam. Cert. of 1/5/15 at 4, 5).
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Respectfully submitted,

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